

ORDINANCE NO. 2006 -001

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA AMENDING THE 1989 COMPREHENSIVE PLAN AS ADOPTED BY ORDINANCE NO. 89-17, AS AMENDED; AMENDING THE FUTURE LAND USE ATLAS (FLUA); ADOPTING SMALL SCALE AMENDMENT HAGEN RANCH ROAD OFFICE (SCA 2005-00054); MODIFYING PAGE 89 OF THE FLUA BY CHANGING A PARCEL OF LAND TOTALING APPROXIMATELY 3.22 ACRES GENERALLY LOCATED ON THE EAST SIDE OF HAGEN RANCH ROAD, APPROXIMATELY 500 FEET SOUTH OF BOYNTON BEACH BOULEVARD FROM MEDIUM RESIDENTIAL, 5 UNITS PER ACRE (MR-5) TO COMMERCIAL LOW-OFFICE, WITH AN UNDERLYING 5 UNITS PER ACRE (CL-O/5); PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE 1989 COMPREHENSIVE PLAN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, on August 31, 1989, the Palm Beach County Board of County Commissioners adopted the 1989 Comprehensive Plan by Ordinance No. 89-17; and

WHEREAS, the Palm Beach County Board of County Commissioners amends the 1989 Comprehensive Plan as provided by Chapter 163, Part II, Florida Statutes; and

WHEREAS, Section 163.3187(1)(c), Florida Statutes, provides comprehensive plan amendments directly related to small scale development activity may be made by local governments without regard to statutory limits regarding the timing and frequency of plan amendments; and

WHEREAS, Section 163.3187(1)(c)4, Florida Statutes, provides that small scale development amendments require only one public hearing before the governing board which shall be an adoption public hearing; and

WHEREAS, a property owner has initiated an amendment to the Future Land Use Atlas of the 1989 Comprehensive Plan; and

WHEREAS, the proposed amendment meets the criteria of a small scale development amendment per Section 163.3187(1)(c), Florida Statutes; and

WHEREAS, the Palm Beach County Local Planning Agency conducted a public hearing on September 9, 2005, to review the proposed amendment to the Palm Beach County Comprehensive Plan and made recommendations regarding the proposed amendments to the Palm Beach County Board of County Commissioners pursuant to Chapter 163, Part II, Florida Statutes; and

1 WHEREAS, the Palm Beach County Board of County Commissioners, as
2 the governing body of Palm Beach County, conducted a public hearing
3 pursuant to Chapter 163, Part II, Florida Statutes, on January 5,
4 2006, to review the recommendations of the Local Planning Agency and
5 to consider adoption of the amendments; and

6 WHEREAS, the Palm Beach County Board of County Commissioners has
7 determined that the amendment complies with all requirements of the
8 Local Government Comprehensive Planning and Land Development
9 Regulation Act.

10 NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
11 COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that:

12 Part I. Amendments to the Future Land Use Atlas of the Land Use
13 Element of the 1989 Comprehensive Plan

14 The following amendment to the Future Land Use Element's Future
15 Land Use Atlas is hereby adopted and is attached to this Ordinance:

16 A. Future Land Use Atlas page 89 is amended as follows:

17 Application No.: Hagen Ranch Road Office (SCA 2005-00054)

18 Amendment: From Medium Residential, 5 units per acre
19 (MR-5) to Commercial Low-Office, with an
20 underlying 5 units per acre (CL-O/5);

21 General Location: East side of Hagen Ranch Road,
22 approximately 500 feet south of Boynton
23 Beach Boulevard;

24 Size: Approximately 3.22 acres;

25 Part II. Repeal of Laws in Conflict

26 All local laws and ordinances applying to the unincorporated area
27 of Palm Beach County in conflict with any provision of this ordinance
28 are hereby repealed to the extent of such conflict.

29 Part III. Severability

30 If any section, paragraph, sentence, clause, phrase, or word of
31 this Ordinance is for any reason held by the Court to be
32 unconstitutional, inoperative or void, such holding shall not affect
33 the remainder of this Ordinance.

34 Part IV. Inclusion in the 1989 Comprehensive Plan

35 The provisions of this Ordinance shall become and be made a part
36 of the 1989 Palm Beach County Comprehensive Plan. The Sections of the

1 Ordinance may be renumbered or relettered to accomplish such, and the
2 word "ordinance" may be changed to "section," "article," or any other
3 appropriate word.

4 Part V. Effective Date

5 This amendment shall not become effective until 31 days after
6 adoption. If challenged within 30 days after adoption, this amendment
7 shall not become effective until the state land planning agency or the
8 Administration Commission, respectively, issues a final order
9 determining the amendment is in compliance.

10 APPROVED AND ADOPTED by the Board of County Commissioners of
11 Palm Beach County, on the 5th day of January, 2006.

12 ATTEST:

13 SHARON R. BOCK, CLERK

14 PALM BEACH COUNTY, FLORIDA,

15 BY ITS BOARD OF COUNTY COMMISSIONERS

16 By: _____

17 Deputy Clerk

18 By: _____

19 Tony Masilotti, Chairman

20 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

21 _____
22 COUNTY ATTORNEY

23
24
25 Filed with the Department of State on the 12th day
26 of January, 2006.
27

EXHIBIT 1

Amendment No.: Hagen Ranch Road Office (SCA 2005-00054)

FLUA Page No.: 89

Amendment: From Medium Residential, 5 units per acre (MR-5) to Commercial Low-Office, with an underlying 5 units per acre (CL-O/5).

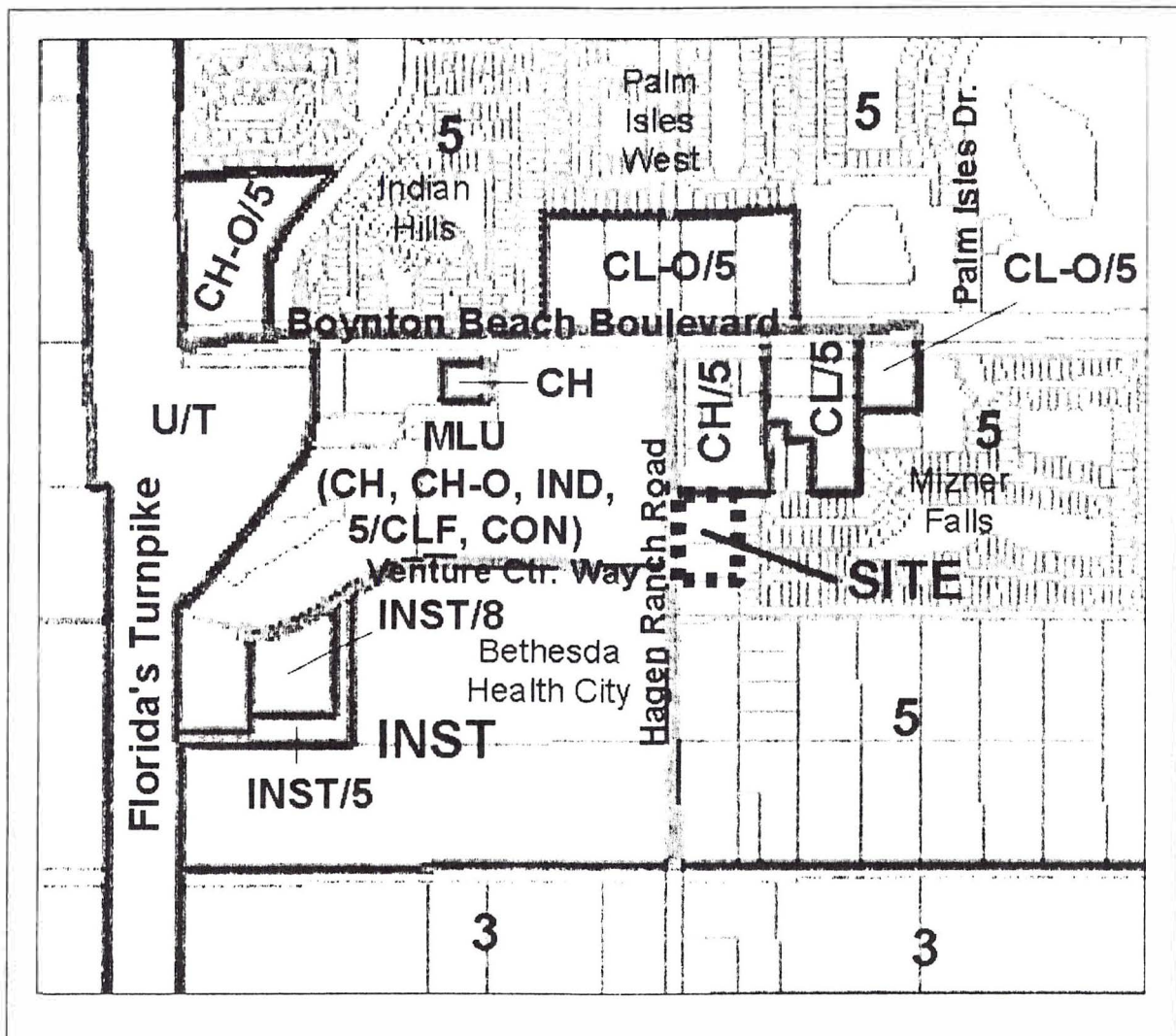
Location: East side of Hagen Ranch Road, approximately 500 feet south of Boynton Beach Boulevard.

Size: Approximately 3.22 acres

Property No.: 00-42-43-27-05-055-0251 & 00-42-43-27-05-055-0253

Legal Description: See attached

Condition: None



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LEGAL DESCRIPTION:

The North 200 feet of the South 400 feet of Tract 25, Block 55, THE PALM BEACH FARMS COMPANY, PLAT NO. 3, LESS the West 25 feet thereof, as recorded in Plat Book 2, Pages 45 through 54, inclusive, of the Public Records of PALM BEACH County, Florida.

AND

Tract 25, Less the West 25 feet thereof for road right-of-way and less the South 400 feet thereof, Block 55, THE PALM BEACH FARMS COMPANY, PLAT NO. 3, PALM BEACH, Florida, according to the Plat thereof on file in the Office of the Clerk of the Circuit Court in and for PALM BEACH County, Florida, in Plat Book 2, Page 50.

Containing 3.22 acres, more or less.

STATE OF FLORIDA, COUNTY OF PALM BEACH
I, SHARON R. BOCK, Clerk & Commissioner
this to be a true and correct copy of the original
filed in my office on **JAN 05 2006**
at West Palm Beach, Florida
Sharon R. Bock
Deputy Clerk